**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 4969 OF 2005**

Balkrishna Arjun Jadhav and Ors. .. Petitionrs

Versus

Thane Mun. Corporation and Ors. ... Respondents

Mr. P.V. Nichani for Petitioner.

Mr. M. Limaye for Respondent.

Mr. Kakade, A.G.P. for Respondent State.

**CORAM : F.I. REBELLO &**
MRS R.S. DALVI,**JJ.**
**DATED : NOVEMBER 23, 2005**

P.C.

. The Petitioner earlier filed Civil Application No. 1889 of 205 in Writ Petition No. 1680 of 1997. By that application, the Petitioners herein who were applicants had sought to recall the order. The learned Division Bench of this court has noted that the order dated 11.4.1997 passed in Writ Petition No. 1680 of 1997 gave time to the applicant/Petitioners to vacate the land untill 26.6.1997. The S.L.P. filed has also been dismissed by the Apex Court. In these

circumstance, the application was dismissed.

. By the present petition, the Petitioners are seeking to once again raise the same controversy. It will not be possible to raise such contentions in the fresh petition regarding the same subject in which the court has already dismissed earlier petition. In the light of that, there is no merit in the petition which is accordingly rejected. All interim orders stand vacated.

**(F.I. REBELLO,J.)**

(MRS. R.S. DALVI,J.)